

IN THE DISTRICT COURT OF IOWA IN AND FOR BUENA VISTA COUNTY

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| Westfield Insurance Company, Plaintiff, vs. OMEGA FLEX, INC., Defendant. | Court File No.: ORIGINAL NOTICE |
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TO THE ABOVE-NAMED DEFENDANT OMEGA FLEX, INC.:

You are notified that a Petition has been filed in the office of the Clerk of this Court, naming you as the Defendants in this action. A copy of the Petition (and any documents filed with it) is attached to this notice. The attorney for the Plaintiff is: Yost & Baill, LLP, David J. Taylor, whose address is: 2050 U.S. Bank Plaza South, 220 South Sixth Street, Minneapolis, MN 55402. That attorney's telephone number is: 612.338.6000; facsimile number: 612.344.1689.

You must serve a motion or answer within 20 days after service of this Original Notice upon you and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Buena Vista County, at the county courthouse in Storm Lake, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

This case has been filed in a county that utilizes electronic filing. For general rules and information on electronic filing, refer to Iowa Court Rules Chapter 16 pertaining to the use of the Electronic Document Management System. Refer to Division VI of the Iowa Court Rules Chapter 16 for information pertaining to the protection of personal information in court filings.

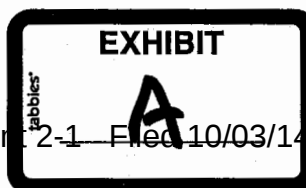
If you need assistance to participate in court due to a disability, call the disability coordinator at 712.279.6035. Persons who are hearing or speech impaired may call Relay Iowa TTY (1.800.735.2942). **Disability coordinators cannot provide legal advice.**

(SEAL)

CLERK OF COURT
Buena Vista County Courthouse
Storm Lake, Iowa 50588

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS



STATE OF IOWA JUDICIARY

Case No. LACV029358

County Buena Vista

Case Title WESTFIELD INSURANCE COMPANY VS. OMEGA FLEX, INC.

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.
Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
<http://www.iowacourts.state.ia.us/Efile>

FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16: <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (712)279-6035 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 08/25/2014 10:34:18 AM



District Clerk of Buena Vista
/s/ Jill Brinkman

County

IN THE DISTRICT COURT OF IOWA IN AND FOR BUENA VISTA COUNTY

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|--|--|
| Westfield Insurance Company, Plaintiff, vs. OMEGA FLEX, INC., Defendant. | Court File No.: LACV 029358 PETITION AT LAW AND JURY DEMAND |
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COMES NOW the Plaintiff and for its cause of action states:

1. Plaintiff Westfield Insurance Company is a corporation duly licensed in the State of Iowa to sell and conduct business in the State of Iowa.
2. At all times material herein, Plaintiff provided a policy of insurance to Marton Pork Productions, Inc., (hereinafter "Marton Pork") one of the owners of the building located at 1801 510th Street, in the City of Albert City, State of Iowa (hereinafter "the Building").
3. At all times relevant herein, Defendant Omega Flex, Inc. (hereinafter "Omega Flex"), was the manufacturer of TracPipe® Corrugated Stainless Steel Tubing (hereinafter "CSST") that was installed at the Building and is the subject of this lawsuit.
4. Defendant Omega Flex is a corporation duly organized under the laws of the Commonwealth of Pennsylvania with a principle place of business at 451 Creamery Way, Exton, Pennsylvania.

FACTS

5. On or about July 25, 2012, a lightning strike occurred in the area of the Building which led to the Omega Flex CSST gas line failure which caused a fire at the Building.
6. As a result of the fire the Building sustained damages.

7. Pursuant to its policy of insurance with Plaintiff, Plaintiff paid damages to or on behalf of Marton Pork in an amount in excess of \$50,000.00 and the small claims filing limit.

COUNT ONE - NEGLIGENCE

8. Plaintiff realleges paragraphs 1 through 7, as set forth hereinabove.
9. Defendant negligently designed, manufactured, constructed, assembled, packaged, and distributed the aforementioned TracPipe® CSST, which negligence was a direct and proximate cause of the damages described hereinabove.

COUNT TWO - FAILURE TO PROVIDE REASONABLE WARNINGS

10. Plaintiff realleges paragraphs 1 through 9, as set forth hereinabove.
11. Defendant negligently failed to provide Plaintiff's insureds with reasonable warnings of defects and hazards which they knew or should have known were present in the TracPipe® CSST, which negligence was a direct and proximate cause of the damages described hereinabove.

COUNT THREE - BREACH OF EXPRESSED OR IMPLIED WARRANTIES

12. Plaintiff realleges paragraphs 1 through 11, as set forth hereinabove.
13. Defendant expressly or impliedly warranted the fitness and merchantability of the TracPipe® CSST described herein.
14. Defendant breached implied and expressed warranties regarding their work and the fitness and merchantability of the TracPipe® CSST and these breaches directly and proximately caused the damages suffered by Plaintiff.

COUNT FOUR - STRICT LIABILITY

15. Plaintiff realleges paragraphs 1 through 14, as set forth hereinabove.
16. Defendant Omega Flex is strictly liable for the damages sustained by Plaintiff on or about July 25, 2012.

WHEREFORE, Plaintiff Westfield Insurance Company, demands judgment against Defendant OMEGA FLEX, INC. for such sums as will fully and fairly compensate it under the

law for the damages alleged herein, for interest there as allowed by law and for the costs of this action.

JURY DEMAND

COMES NOW the Plaintiff Westfield Insurance Company, and hereby demands a trial by jury of all of the fact issues herein.

YOST & BAILL, LLP

By /s/ David J. Taylor

David J. Taylor

2050 U.S. Bank Plaza South

220 South Sixth Street

Minneapolis, MN 55402

612.338.6000 - telephone

612.344.1689 - facsimile

ICIS PIN: AT0009168

ATTORNEYS FOR PLAINTIFF

RECEIVED

2014 SEP -2 AM 11:02

DAUPHIN COUNTY
SHERIFF'S OFFICE
HARRISBURG, PA 17101

Office of the Sheriff

Shelley Ruhl
Real Estate Deputy

Matthew L. Owens
Solicitor



Jack Duignan
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
101 Market Street
Harrisburg, Pennsylvania 17101-2079
ph: (717) 780-6590 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania

: WESTFIELD INSURANCE COMPANY
VS

County of Dauphin

: OMEGA FLEX, INC.

Sheriff's Return

No. 2014-T-2423

OTHER COUNTY NO. LACV029358

And now: SEPTEMBER 3, 2014 at 10:39:00 AM served the within NOTICE & PETITION upon OMEGA FLEX, INC. by personally handing to JENNIFER SMITH * 1 true attested copy of the original NOTICE & PETITION and making known to him/her the contents thereof at C/O CSC, 2595 INTERSTATE DRIVE, SUITE 103 HARRISBURG PA 17110

* CUSTOMER SERVICE ASSOCIATE

Sworn and subscribed to
before me this 4TH day of September, 2014

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
Karen M. Hoffman, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires January 8, 2018

So Answers,

Sheriff of Dauphin County, Pa.

By

Deputy Sheriff

Deputy: W CONWAY

Sheriff's Costs: \$47.25 9/2/2014